

REMARKS

In the Office Action, claims 1-10 were rejected. Claims 1 and 2 have been amended. Reconsideration of the claims, in view of the remarks set forth below is respectfully requested.

Claim Objections

The Examiner rejected claim 2 for lacking antecedent basis for the recited “barrier coating.” Claim 2 has been amended to recite “a barrier coating,” rather than the previously recited “the barrier coating.” Applicants respectfully submit that this amendment is sufficient to overcome the Examiner’s objection of claim 2.

The Examiner objected to claim 8 as being indefinite. Specifically, the Examiner asserted that the term “low” as used in the claim is indefinite in that neither the specification nor the claim provide a standard for ascertaining the requisite degree of permeability recited so as to reasonably apprise one skilled in the art of the scope of the invention. Applicants respectfully traverse this objection.

In ruling on a claim of patent indefiniteness, a court must determine whether those skilled in the art would understand what is claimed when the claim is read in light of the specification. *Personalized Media Communications, Inc. v. Int'l Trade Comm'n*, 161 F.3d 696, 705, 48 U.S.P.Q.2d 1880 (Fed. Cir. 1998); *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 806 F.2d 1565, 1576, 1 U.S.P.Q.2d 1081 (Fed. Cir. 1986). A claim is not indefinite merely because it poses a difficult issue of claim construction; if the claim is subject to construction, i.e., it is not insolubly ambiguous, it is not invalid for indefiniteness. *Honeywell Int'l, Inc. v. Int'l Trade Comm'n*, 341 F.3d 1332, 1338-39, 68 U.S.P.Q.2d 1023 (Fed. Cir. 2003). That is, if the meaning of the claim is discernible, even though the task may be formidable and the conclusion may be one over which reasonable persons disagree, a claim is sufficiently clear to avoid invalidity on indefiniteness grounds. *Exxon Research & Eng'g Co. v. United States*, 265 F.3d 1371, 1375, 60 U.S.P.Q.2d 1272 (Fed. Cir. 2001). The failure to define a term is not fatal; if the meaning of the term is fairly inferable from the patent,

an express definition is not necessary. *Bancorp Services LLC v. Hartford Life Insurance Co.*, 69 U.S.P.Q.2d 1996, 2000 (Fed. Cir. 2004).

Applicants respectfully assert that those skilled in the art would be able to understand the term “low permeability.” As discussed in the specification, to effectively protect the organic electronic device 16 from moisture and oxygen, the sealant 28 advantageously comprises a material having a low permeability. Specification, page 10, lines 8-10. Those skilled in the art would fully appreciate that “low permeability” connotes that the material, here the sealant of claim 8, has a sufficiently low permeability as to effectively protect the organic electronic device from moisture and oxygen. The relative range of sufficiently low permeability will depend on the specific application and environment in which the device is employed. Because Applicants respectfully assert that those skilled in the art would be able to understand the scope of the claim, and in particular, the scope of the term “low permeability,” Applicants respectfully submit that the term is not indefinite. Therefore, Applicants respectfully request withdrawal of the Examiner’s objection to claim 8.

Rejections Under 35 U.S.C. § 102

The Examiner rejected claims 1-6 and 8-10 under 35 U.S.C. § 102(b) as being anticipated by Kumar et al. (US 6,737,753). Applicants respectfully traverse this rejection.

Anticipation under Section 102 can be found only if a single reference shows exactly what is claimed. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 227 U.S.P.Q. 773 (Fed. Cir. 1985). For a prior art reference to anticipate under Section 102, every element of the claimed invention must be identically shown in a single reference. *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). To maintain a proper rejection under Section 102, a single reference must teach each and every element or step of the rejected claim. *Atlas Powder v. E.I. du Pont*, 750 F.2d 1569 (Fed. Cir. 1984). Thus, if the claims recite even one element not found in the cited reference, the reference does not anticipate the claimed invention.

Claim 1 has been amended to recite a superstrate...comprising “a periphery adapted to wrap around the edges of the package.” Applicants respectfully submit that this amendment renders the Examiner’s rejection under 35 U.S.C. § 102 moot. Specifically, Applicants submit that the Kumar reference does not disclose a superstrate comprising a periphery adapted to wrap around the edges of the package. Accordingly, Applicants respectfully request withdrawal of the Examiner’s rejection and allowance of claims 1-6 and 8-10.

Rejections Under 35 U.S.C. § 103

The Examiner rejected claim 7 under 35 U.S.C. § 103(a) as being unpatentable over Kumar as applied to claim 1, and further in view of Silvernail (US 6,624,568). Applicants respectfully traverse this rejection.

The burden of establishing a *prima facie* case of obviousness falls on the Examiner. *Ex parte Wolters and Kuypers*, 214 U.S.P.Q. 735 (PTO Bd. App. 1979). Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention absent some teaching or suggestion supporting the combination. *ACS Hospital Systems, Inc. v. Montefiore Hospital*, 732 F.2d 1572, 1577, 221 U.S.P.Q. 929, 933 (Fed. Cir. 1984). Accordingly, to establish a *prima facie* case, the Examiner must not only show that the combination includes *all* of the claimed elements, but also a convincing line of reason as to why one of ordinary skill in the art would have found the claimed invention to have been obvious in light of the teachings of the references. *Ex parte Clapp*, 227 U.S.P.Q. 972 (B.P.A.I. 1985).

Claim 7 is dependent on claim 1. For at least the reasons set forth above with regard to the rejections under 35 U.S.C. § 102, Applicants respectfully submit that claim 7 is also allowable. Applicants note that the Silvernail reference does nothing to cure the deficiencies of the Kumar reference discloses a superstrate comprising a periphery adapted to wrap around the edges of the package. Accordingly, Applicants respectfully request withdrawal of the Examiner’s rejection and allowance of claim 7.

Conclusion

In view of the remarks set forth above, Applicants respectfully request reconsideration of the Examiner's rejections and allowance of all pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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